

REMARKS

Claims 1-6, 8-14, 18-21 and 25-32 are all the claims pending in the application. Claims 7, 15, 17 and 23 have been canceled without prejudice or disclaimer. Claims 30-32 have been newly added herewith.

Claim Rejections - 35 U.S.C. §102

Claims 1, 3-9, 12-14, 17, 19, 21, 23 and 25 and 27-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lovatt (U.S. Patent No. 2,012,885). Claims 7, 17 and 23 have been canceled, rendering their rejection moot. Applicant respectfully traverses the rejection of the remaining claims.

A) Claims 1, 3-6, 8, 9, 12-14, 19, 21 and 25

Claim 1 recites a frame hinge knuckle which includes a hinge knuckle opening that is located between an outer recess open to an outer side of the frame and an inner recess open to the inner side of the frame. Thus, the knuckle opening separates two distinct recess, an inner recess and an outer recess. Claim 1 also recites that the plug is inserted into the inner recess so that it makes the inner side of the frame hinge knuckle appreciable sealed off from the outside. For example, the non-limiting embodiment of the specification illustrates a frame hinge knuckle 18 with a hinge knuckle opening 40. The hinge knuckle opening 40 is located between an outer recess 19 and an inner recess 50. The plug 52 is inserted into this inner recess 50 so as to seal off from the outside. *See* Figs. 1 and 2 and paragraphs [0009], [0030], [0033] and [0036] of the specification.

Claim 1 also recites that the cover is movable relative to the frame between open and closed positions. The cover includes a cover hinge knuckle which cooperates with the frame hinge knuckle. The cover hinge knuckle includes a pivot that extends into the outer recess when the cover is in the closed position. For example, the non-limiting embodiment of the specification shows a cover 6 which is movable between a closed position (Fig. 1) and an open position (Fig. 2). The cover includes a cover hinge knuckle 20 which cooperates with the frame hinge knuckle 18. Also, as shown in Fig. 1, the cover hinge knuckle 20 includes a pivot 24 that extends into the outer recess 19 when the cover is in the closed position. *See* Figs. 1 and 2 and paragraphs [0029], [0047] and [0048] of the specification.

Claim 1 is allowable over Lovatt because Lovatt fails to disclose the combination of features recited in claim 1. In fact, Lovatt has an entirely different structure than the claimed invention. For example, Lovatt does not disclose a plug inserted into an inner recess of the frame hinge knuckle which makes the inner side of the frame hinge knuckle appreciably sealed off from the outside. The Examiner has previously asserted that the Lovatt cover block and hook 43, 48 constitutes the claimed plug which seals off the inner side of the frame hinge knuckle from the outside. However, this portion of Lovatt is not located in an inner recess of a frame hinge knuckle, an opening being between the inner recess and an outer recess. Also, the elements 43, 48 are made of steel and must be capable of rotating. Therefore, rainwater and small debris can enter the frame hinge knuckle (chamber 33) and is then evacuated by gravity through the vent opening 50. The casting 28 also cannot be the claimed plug at least because it

includes a vent opening 50 which is specifically designed to allow water and foreign matter to pass through, not provide a seal as claimed.

In view of the above, Applicant submits that claim 1 is allowable over Lovatt. Claims 3-6, 8, 9, 12-14, 19, 21 and 25 depend from claim 1 and are therefore allowable at least by virtue of their dependency.

B) Claims 27-29

Claim 27 is allowable over Lovatt at least because Lovatt lacks a structure as claimed. Claim 27 recites a frame which includes a hinge receiving portion and a cover with a hinge which is received in the hinge receiving portion. The hinge receiving portion includes an outer recess and an inner recess as well as an opening which allows the inner recess and the outer recess to communicate. A plug, which is separate from the cover, is disposed in the inner recess and substantially seals off an inner side of the hinge portion from the outside. For example, the frame 4 of the non-limiting embodiment of the specification includes a hinge knuckle 18 which receives the cover 6 and which includes an outer recess 19 and an inner recess 50. An opening 40 allows the outer recess 19 to communicate with the inner recess 50 and a plug 52 is inserted into the inner recess 50.

Lovatt clearly lacks the structure of the device recited in claim 27. For example, Lovatt lacks an inner recess and an outer recess with a plug disposed in an inner recess as claimed. Such a structure is simply lacking in Lovatt. Furthermore, neither of the alleged plugs previously identified by the Examiner meet the claimed plug. For example, the block 43 and hook 48 cannot meet the claimed plug at least because they are part of the cover, and not

separate from the cover as claimed. Additionally, the casting 28 is designed with a vent opening 50 which is specifically designed to allow water and foreign matter to pass. Therefore, the casting 28 does not substantially seal anything.

In view of the above, claim 27 is allowable over Lovatt. Claims 28 and 29 depend from claim 27 and are therefore allowable at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. §103

Claims 2, 10, 11, 15, 18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lovatt. Claim 15 has been canceled, rendering its rejection moot. Claims 2, 10, 11, 18 and 20 depend from claim 1. Even if it were appropriate to modify Lovatt as suggested by the Examiner, Lovatt would still be deficient with respect to claim 1 for the reasons discussed above. Therefore, claims 2, 10, 11, 18 and 20 are allowable at least by virtue of their dependency.

Furthermore, the Examiner asserts that elastomers are known. However, the Examiner fails to identify sufficient motivation for modifying either of the particular elements he asserts are plugs (element 28 or element 48) so that they are an elastomer. The Examiner must identify motivation for modifying the alleged Lovatt plug so that it is an elastomer, a mere assertion that elastomers are known is insufficient motivation for modifying these particular elements.

New Claims

Claims 30-32 have been added in order to provide a more varied scope of protection. Claim 30 is allowable over the cited reference at least because the reference does not disclose a plug disposed below the end of the cover and which substantially seals off an area below the


plug from an area above the plug at least when the cover is in the closed position in combination with the other features recited in claim 30. Claims 31 and 32 depend from claim 30 and are therefore allowable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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